

Rogers et al. v. U.S. Dept. of Health and Human Servs., et al.

Exhibit BB

**to Governor Henry McMaster's and Michael Leach's Motion for Summary Judgment and
Memorandum in Support Thereof**

Excerpts from Deposition of Diana Tester

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF SOUTH CAROLINA
3 GREENVILLE DIVISION
4 EDEN ROGERS AND BRANDY WELCH,
Plaintiffs,
5 vs. C.A. No. 6:19-cv-01567-JD

6 UNITED STATES DEPARTMENT OF HEALTH AND
7 HUMAN SERVICES; XAVIER BECCERA, IN HIS
8 OFFICIAL CAPACITY AS SECRETARY OF THE
9 UNITED STATES DEPARTMENT OF HEALTH AND
10 HUMAN SERVICES; ADMINISTRATION FOR
11 CHILDREN AND FAMILIES; JOOYEUN CHANG, IN
12 HER OFFICIAL CAPACITY AS THE SENIOR
13 OFFICIAL PREFORMING THE DUTIES OF THE
14 ASSISTANT SECRETARY OF THE
15 ADMINISTRATION FOR CHILDREN AND
16 FAMILIES; JOOYEUN CHANG, IN HER OFFICIAL
17 CAPACITY AS PRINCIPAL
18 DEPUTY ASSISTANT SECRETARY OF THE
19 ADMINISTRATION FOR CHILDREN AND
20 FAMILIES; HENRY MCMASTER, IN HIS
21 OFFICIAL CAPACITY AS GOVERNOR OF THE
22 STATE OF SOUTH CAROLINA; AND MICHAEL
23 LEACH, IN HIS OFFICIAL CAPACITY AS STATE
24 DIRECTOR OF THE SOUTH CAROLINA
25 DEPARTMENT OF SOCIAL SERVICES,
Defendants.

VTC 30(b)(6)

DEPOSITION OF: SC DSS, Through its agent:
DIANA TESTER
DATE: December 16, 2021
TIME: 9:32 a.m.
LOCATION: Zoom-Columbia, SC
TAKEN BY: Counsel for the Plaintiffs
REPORTED BY: Roxanne Easterwood, RPR
VIDEOGRAPHER: Roosevelt Hamilton

1 directs DSS not to deny licensure to faith-based
2 CPAs solely on account of their religious identity
3 or religious belief. Does that -- does that sound
4 familiar?

5 A. I -- I think -- I -- I don't know.
6 I -- I'm sure that I've heard of it. I -- you
7 know, I -- quite honestly, I don't keep track of
8 orders like that. I -- I just don't. I'm sorry.

9 Q. Is there any way to know
10 whether -- whether the granting of that order or
11 of the waiver had any impact on the number of
12 foster homes?

13 MR. COLEMAN: Object to the form of the
14 question.

15 But you can answer.

16 THE WITNESS: No. I mean, there would
17 have to be, like, a huge research,
18 statistical-type study to see if there's an
19 association, and -- and, really, I -- I don't even
20 know how they would control all of the variables.

21 BY MS. MADGAVKAR:

22 Q. Right. The DSS didn't look
23 into -- into whether the -- the waiver or the
24 executive order affected the number of foster
25 homes, right? We talked about that earlier.